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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

MONTANA WILDLIFE FEDERATION,)	CV 18-69-GF-BMM
<i>et al.</i>)	
)	
Plaintiffs,)	DEFENDANTS' MOTION FOR
)	STAY
v.)	
)	
U.S. DEPARTMENT OF THE)	
INTERIOR, <i>et al.</i>)	
)	
Defendants,)	
)	
and)	
)	
THE STATE OF WYOMING <i>et al.</i>)	
)	
Defendant-Intervenors)	
)	

Defendants U.S. Department of the Interior *et al.* hereby move for a stay of the case for sixty days. The Court previously granted extensions of time for Defendants to file a reply in support of their phase two summary judgment motion and a response to Plaintiffs' motion to file an amended and supplemental complaint, and those responses are currently due February 3 and February 16, 2021, respectively. *See* January 25 and 27, 2021 Orders, ECF Nos. 235 & 237. A summary judgment hearing is scheduled for February 18, 2021. Defendants now request a stay of these deadlines and the litigation. Defendants request this stay to allow new administration officials additional time to evaluate the litigation. Plaintiffs do not oppose this motion. Defendant-Intervenors State of Wyoming and Western Energy Alliance oppose this motion.

On January 20, 2021, Acting Secretary of the Interior Scott de la Vega issued a secretarial order withdrawing the delegation to officials within the U.S. Bureau of Land Management ("BLM") to take certain actions regarding public lands. *See* Sec. Order No. 3395, Ex. 1. Among other things, the secretarial order temporarily suspends the delegation of the authority to approve applications for permits to drill on BLM land. *See id.* § 1.g. It does not, however, affect existing operations under valid leases. *Id.* Because the delegation of the authority has been suspended, the approval of such permits is reserved to officials within the Secretary's Office or the Solicitor of the U.S. Department of the Interior. *Id.* § 4.

In addition, on January 27, 2021, President Joseph R. Biden issued an executive order regarding climate change policy. *See* Exec. Order No. 14008, Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7,619 (Jan. 27, 2021). The order states:

To the extent consistent with applicable law, the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters.

Id. § 208, 86 Fed. Reg. at 7,624-25.

The Court may issue a stay pursuant to its inherent authority to manage its docket in order to preserve judicial economy. *See Landis v. N. American Co.*, 299 U.S. 248, 254 (1936); *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). In considering whether to grant a stay, the Court should consider the competing interests involved, including the harm that may result to any parties who oppose the stay. *See CMAX*, 300 F.2d at 268. The Court should also consider whether granting the stay may simplify the issues that the Court must resolve. *See id.*

Defendants request a stay in order to allow incoming officials the opportunity to evaluate the litigation in light of these and other changes in policy direction. Although it is unclear whether the orders described above will directly impact the issues in this litigation, these orders do impact oil and gas leasing on

federal public land, which is the subject of this suit. Granting a stay will allow new officials to determine whether and how these new orders and the policy direction described therein impact the government's position in this case.

Accordingly, Federal Defendants request that the case be stayed for sixty days as set forth in the attached proposed order.

Respectfully submitted this 2nd day of February, 2021.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record on February 2, 2021.

/s/ Luther L. Hajek

LUTHER L. HAJEK

Counsel for Federal Defendants